

FY 2012 Supplemental Appropriations Bill Senate File 2071

Last Action:

Senate Floor

February 1, 2012

An Act relating to and making supplemental appropriations for the fiscal year beginning July 1, 2011, and including effective dates.

**Fiscal Services Division
Legislative Services Agency**

NOTES ON BILLS AND AMENDMENTS (NOBA)

Available on line at <http://www.legis.iowa.gov/LSAReports/noba.aspx>
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FUNDING SUMMARY

- Makes FY 2012 General Fund supplemental appropriations of \$8.5 million to the Department of Corrections (DOC) and creates a third round of funding available from the Mental Health Risk Pool (\$5.0 million). Page 1, Line 5

SUPPLEMENTAL APPROPRIATIONS

Department of Corrections

- Provides an FY 2012 General Fund supplemental appropriation of \$8.5 million to the DOC for the nine prisons, Central Office, and eight Community-Based Corrections (CBC) District Departments. Page 1, Line 5

Mental Health Risk Pool

- Makes \$5.0 million from the Mental Health Risk Pool available for a third round of applications in FY 2012. Funding will be distributed first to counties that currently have a waiting list, second to counties with individuals from the new statewide Intellectual Disabilities Waiver waiting list, and third to all other counties that meet requirements as set forth by the Iowa Code. Page 4, Line 28

EFFECTIVE AND ENACTMENT DATES

- This Bill is effective on enactment. Page 8, Line 6

1	1		DIVISION I	
1	2		CORRECTIONS — APPROPRIATIONS	
1	3		Section 1. 2011 Iowa Acts, chapter 134, section 3, is	
1	4		amended to read as follows:	
1	5		SEC. 3. DEPARTMENT OF CORRECTIONS — FACILITIES.	
1	6		1. There is appropriated from the general fund of the	
1	7		state to the department of corrections for the fiscal year	
1	8		beginning July 1, 2011, and ending June 30, 2012, the following	
1	9		amounts, or so much thereof as is necessary, to be used for the	
1	10		operation of adult correctional institutions, reimbursement	
1	11		of counties for certain confinement costs, and federal prison	
1	12		reimbursement, to be allocated as follows:	
1	13		a. For the operation of the Fort Madison correctional	General Fund supplemental appropriation to the Department of
1	14		facility, including salaries, support, maintenance, and	Corrections (DOC) for the Fort Madison Correctional Facility.
1	15		miscellaneous purposes:	
1	16		..... \$ <u>41,031,283</u>	DETAIL: This is an increase of \$1,260,748 to fund existing filled
1	17		<u>42,292,031</u>	positions.
1	18		b. For the operation of the Anamosa correctional facility,	General Fund supplemental appropriation to the DOC for the Anamosa
1	19		including salaries, support, maintenance, and miscellaneous	Correctional Facility.
1	20		purposes:	
1	21		..... \$ <u>31,985,974</u>	DETAIL: This is an increase of \$182,174 to fund existing filled
1	22		<u>32,168,148</u>	positions.
1	23		c. For the operation of the Oakdale correctional facility,	General Fund supplemental appropriation to the DOC for the Oakdale
1	24		including salaries, support, maintenance, and miscellaneous	Correctional Facility.
1	25		purposes:	
1	26		..... \$ <u>55,594,426</u>	DETAIL: This is an increase of \$995,473 to fund existing filled
1	27		<u>56,589,899</u>	positions.
1	28		d. For the operation of the Newton correctional facility,	General Fund supplemental appropriation to the DOC for the Newton
1	29		including salaries, support, maintenance, and miscellaneous	Correctional Facility.
1	30		purposes:	
1	31		..... \$ <u>25,958,757</u>	DETAIL: This is an increase of \$642,944 to fund existing filled
1	32		<u>26,601,701</u>	positions.
1	33		e. For the operation of the Mt.Pleasant correctional	General Fund supplemental appropriation to the DOC for the Mount
1	34		facility, including salaries, support, maintenance, and	Pleasant Correctional Facility.
1	35		miscellaneous purposes:	
2	1		..... \$ <u>25,917,815</u>	DETAIL: This is an increase of \$404,087 to fund existing filled
2	2		<u>26,321,902</u>	positions.
2	3		f. For the operation of the Rockwell City correctional	General Fund supplemental appropriation to the DOC for the Rockwell

<p>2 4 facility, including salaries, support, maintenance, and 2 5 miscellaneous purposes: 2 6 \$ <u>9,316,466</u> 2 7 <u>9,490,461</u></p>	<p>City Correctional Facility. DETAIL: This is an increase of \$173,995 to fund existing filled positions.</p>
<p>2 8 g. For the operation of the Clarinda correctional facility, 2 9 including salaries, support, maintenance, and miscellaneous 2 10 purposes: 2 11 \$ <u>24,482,356</u> 2 12 <u>24,857,130</u></p>	<p>General Fund supplemental appropriation to the DOC for the Clarinda Correctional Facility. DETAIL: This is an increase of \$374,774 to fund existing filled positions.</p>
<p>2 13 Moneys received by the department of corrections as 2 14 reimbursement for services provided to the Clarinda youth 2 15 corporation are appropriated to the department and shall be 2 16 used for the purpose of operating the Clarinda correctional 2 17 facility.</p>	<p>Maintains current law.</p>
<p>2 18 h. For the operation of the Mitchellville correctional 2 19 facility, including salaries, support, maintenance, and 2 20 miscellaneous purposes: 2 21 \$ <u>15,615,374</u> 2 22 <u>16,049,305</u></p>	<p>General Fund supplemental appropriation to the DOC for the Mitchellville Correctional Facility. DETAIL: This is an increase of \$433,931 to fund existing filled positions.</p>
<p>2 23 i. For the operation of the Fort Dodge correctional 2 24 facility, including salaries, support, maintenance, and 2 25 miscellaneous purposes: 2 26 \$ <u>29,062,235</u> 2 27 <u>29,456,158</u></p>	<p>General Fund supplemental appropriation to the DOC for the Fort Dodge Correctional Facility. DETAIL: This is an increase of \$393,923 to fund existing filled positions.</p>
<p>2 28 j. For reimbursement of counties for temporary confinement 2 29 of work release and parole violators, as provided in sections 2 30 901.7, 904.908, and 906.17, and for offenders confined pursuant 2 31 to section 904.513: 2 32 \$ <u>775,092</u> 2 33 <u>1,075,092</u></p>	<p>General Fund supplemental appropriation to the DOC for the County Confinement Account. DETAIL: This is an increase of \$300,000 to fund projected expenses based on historical trends. This Account reimburses counties for holding in county jails those alleged violators of conditions of parole, work release, and Operating While Intoxicated (OWI) pending a revocation hearing.</p>
<p>2 34 k. For federal prison reimbursement, reimbursements for 2 35 out-of-state placements, and miscellaneous contracts: 3 1 \$ <u>239,414</u> 3 2 <u>484,411</u></p>	<p>General Fund supplemental appropriation to the DOC for the Federal Prisoners Contractual Account. DETAIL: This is an increase of \$245,000 to fund projected expenses based on historical trends. This Account reimburses the U.S. Bureau of Prisons for holding certain offenders in the U.S. prison system.</p>

3 3 I. For three correctional officer full-time equivalent
 3 4 positions that are to be assigned to a correctional institution
 3 5 by the director of the department of corrections:
 3 6 \$ 157,162

Maintains current law.

 DETAIL: The funding for these positions was transferred to the
 Clarinda Correctional Facility.

3 7 2. The department of corrections shall use moneys
 3 8 appropriated in subsection 1 to continue to contract for the
 3 9 services of a Muslim imam and a Native American spiritual
 3 10 leader.

Maintains current law.

3 11 DEPARTMENT OF CORRECTIONS — ADMINISTRATION

3 12 Sec. 2. 2011 Iowa Acts, chapter 134, section 4, subsection
 3 13 1, unnumbered paragraph 1, is amended to read as follows:
 3 14 For general administration, including salaries, support,
 3 15 maintenance, employment of an education director to administer
 3 16 a centralized education program for the correctional system,
 3 17 and miscellaneous purposes:
 3 18 \$ 4,835,542
 3 19 5,181,582

General Fund supplemental appropriation to the DOC for the Central
 Office.

 DETAIL: This is an increase of \$346,040 to fund existing filled
 positions.

3 20 JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL SERVICES

3 21 Sec. 3. 2011 Iowa Acts, chapter 134, section 5, subsection
 3 22 1, is amended to read as follows:
 3 23 1. There is appropriated from the general fund of the state
 3 24 to the department of corrections for the fiscal year beginning
 3 25 July 1, 2011, and ending June 30, 2012, for salaries, support,
 3 26 maintenance, and miscellaneous purposes, the following amounts,
 3 27 or so much thereof as is necessary, to be allocated as follows:

3 28 a. For the first judicial district department of
 3 29 correctional services:
 3 30 \$ 12,204,948
 3 31 12,658,088

General Fund supplemental appropriation to the DOC for the First
 Community-Based Corrections (CBC) District Department.

 DETAIL: This is an increase of \$453,140 to fund existing filled
 positions.

3 32 b. For the second judicial district department of
 3 33 correctional services:
 3 34 \$ 10,336,948
 3 35 10,598,654

General Fund supplemental appropriation to the DOC for the Second
 CBC District Department.

 DETAIL: This is an increase of \$261,706 to fund existing filled
 positions.

4 1 c. For the third judicial district department of
 4 2 correctional services:
 4 3 \$ 5,599,765
 4 4 5,952,381

General Fund supplemental appropriation to the DOC for the Third
 CBC District Department.

 DETAIL: This is an increase of \$352,616 to fund existing filled

4 5 d. For the fourth judicial district department of
 4 6 correctional services:
 4 7 \$ 5,391,355
 4 8 5,442,351

positions.

General Fund supplemental appropriation to the DOC for the Fourth CBC District Department.

DETAIL: This is an increase of \$50,996 to fund existing filled positions.

4 9 e. For the fifth judicial district department of
 4 10 correctional services, including funding for electronic
 4 11 monitoring devices for use on a statewide basis:
 4 12 \$ 48,742,129
 4 13 19,052,804

General Fund supplemental appropriation to the DOC for the Fifth CBC District Department.

DETAIL: This is an increase of \$310,675 to fund existing filled positions.

4 14 f. For the sixth judicial district department of
 4 15 correctional services:
 4 16 \$ 43,112,563
 4 17 13,712,506

General Fund supplemental appropriation to the DOC for the Sixth CBC District Department.

DETAIL: This is an increase of \$599,943 to fund existing filled positions.

4 18 g. For the seventh judicial district department of
 4 19 correctional services:
 4 20 \$ 6,492,814
 4 21 6,716,588

General Fund supplemental appropriation to the DOC for the Seventh CBC District Department.

DETAIL: This is an increase of \$223,774 to fund existing filled positions.

4 22 h. For the eighth judicial district department of
 4 23 correctional services:
 4 24 \$ 6,879,715
 4 25 7,372,419

General Fund supplemental appropriation to the DOC for the Eighth CBC District Department.

DETAIL: This is an increase of \$492,704 to fund existing filled positions.

4 26 DIVISION II
 4 27 RISK POOL FUNDING

4 28 Sec. 4. RISK POOL APPLICATIONS FOR FISCAL YEAR 2011-2012.

Provides definitions for this Section.

4 29 1. For the purposes of this section, unless the context
 4 30 otherwise requires:

4 31 a. "County management plan" means the county management
 4 32 plan for the county's mental health, mental retardation, and
 4 33 developmental disabilities services system implemented in
 4 34 accordance with section 331.439 and in effect as of July 1,
 4 35 2011.

5 1 b. "Department" means the department of human services.

5 2 c. "Risk pool board" means the risk pool board created in

5 3 section 426B.5.
 5 4 d. "Services fund" means the county mental health, mental
 5 5 retardation, and developmental disabilities services fund
 5 6 created in section 331.424A.

5 7 2. All moneys remaining following the distributions made
 5 8 pursuant to 2011 Iowa Acts, chapter 129, section 43, shall be
 5 9 credited to and remain in the risk pool created in the property
 5 10 tax relief fund pursuant to section 426B.5 for expenditure as
 5 11 provided by law. Notwithstanding section 426B.5, subsection
 5 12 2, paragraph "d", and 2011 Iowa Acts, chapter 129, section 43,
 5 13 subsection 2, paragraph "c", a county may apply to the risk
 5 14 pool board for assistance from the risk pool for the fiscal
 5 15 year beginning July 1, 2011, in accordance with this section.

5 16 3. a. A county with individuals on a waiting list, as of
 5 17 the effective date of this section, for services covered under
 5 18 the county's county management plan is eligible to apply for a
 5 19 distribution of assistance under this section.

5 20 b. In addition, a county may apply for assistance to
 5 21 cover the nonfederal share of medical assistance waiver costs
 5 22 chargeable to the county for the remainder of the fiscal
 5 23 year of individuals who moved from the newly implemented
 5 24 state waiting list for the medical assistance program home
 5 25 and community-based services waiver for persons with an
 5 26 intellectual disability.

5 27 c. In addition, a county may apply for risk pool assistance
 5 28 based on the basic eligibility conditions and circumstances
 5 29 specified in section 426B.5, subsection 2. The dates specified
 5 30 in this section shall apply in lieu of the dates in section
 5 31 426B.5, subsection 2, and the temporary funding increase
 5 32 provided to counties for the fiscal year beginning July 1,
 5 33 2009, through the federal American Recovery and Reinvestment
 5 34 Act of 2009, Pub.L. No.111-5, shall be disregarded. However,
 5 35 the other basic eligibility requirements for risk pool
 6 1 assistance and all other requirements in section 426B.5,
 6 2 subsection 2, shall remain applicable.

6 3 4. All of the following provisions shall apply to a funding
 6 4 distribution under this section:

6 5 a. A county's application for the funding distribution must
 6 6 be received by the department within 10 calendar days of the
 6 7 enactment date of this section.

6 8 b. The county's application shall provide all of the
 6 9 following information:

6 10 (1) A declaration that the county cannot provide services

Requires the funds remaining in the Mental Health Risk Pool to be distributed in accordance with this Section.

DETAIL: There is \$5.0 million remaining in the Mental Health Risk Pool after two rounds of distribution from the fund.

Specifies the criteria counties must meet to be eligible to apply for funds from the Mental Health Risk Pool.

DETAIL: To be eligible to apply, counties:

- Must have individuals on a waiting list for services under the county management plan, as of the effective date of this Section.
- Must have individuals to serve from the newly created statewide Medicaid Intellectual Disability waiting list and the county is responsible to pay for the nonfederal share.
- Meet basic eligibility requirements as set forth by the Iowa Code.

Requires counties to apply for funds within 10 calendar days of enactment.

Requires counties to meet all application requirements set forth in this Section.

6 11 in accordance with the county's management plan and remain in
 6 12 compliance with the 99 percent budgeting requirement in section
 6 13 331.439, subsection 5, resulting in the creation of a waiting
 6 14 list or the need for the funding requested.

6 15 (2) An accounting of the individuals to be removed from
 6 16 the county's waiting list or to have services funded with risk
 6 17 pool moneys as a result of the funding applied for under this
 6 18 subsection, along with the following information in a format
 6 19 specified by the department:

6 20 (a) Each individual's unique client identifier established
 6 21 pursuant to section 225C.6A, subsection 3.

6 22 (b) The date the individual was originally placed on the
 6 23 county waiting list, removed from the state waiting list, or
 6 24 would be subject to a service reduction or elimination without
 6 25 the risk pool funding requested.

6 26 (c) The services needed by the individual.

6 27 (d) The projected cost for each service needed for that
 6 28 individual for the period beginning on the date the individual
 6 29 is removed from the county or state waiting list, or the date
 6 30 of receipt of the risk pool funding requested, through June 30,
 6 31 2012.

6 32 (e) The total cost for all of the services for each
 6 33 individual for the fiscal year.

6 34 c. The application shall be accompanied by a signed
 6 35 statement by the county's board of supervisors certifying
 7 1 that the individuals for whom funding is provided under this
 7 2 subsection will not, through June 30, 2012, be placed by the
 7 3 county on a waiting list for services.

Requires counties to certify that individuals receiving funding under this Section will not be placed on a waiting list for services in this fiscal year.

7 4 d. Funding shall be distributed in the following priority
 7 5 order:

7 6 (1) For counties with individuals on a waiting list as
 7 7 described in subsection 3, paragraph "a".

7 8 (2) If funding remains after meeting the need described
 7 9 in subparagraph (1), for counties applying for assistance to
 7 10 cover the nonfederal share of medical assistance costs for
 7 11 individuals who moved from the state waiting list as described
 7 12 in subsection 3, paragraph "b".

7 13 (3) If funding remains after meeting the need described in
 7 14 subparagraphs (1) and (2), for counties applying in accordance
 7 15 with the basic eligibility conditions and circumstances
 7 16 specified in section 426B.5, subsection 2, as described in
 7 17 subsection 3, paragraph "c".

Requires funds to be distributed first to counties that currently have a waiting list, second to counties applying for the nonfederal share for individuals from the Intellectual Disabilities Waiver waiting list, and third to all other counties meeting the requirements set forth by the Iowa Code.

7 18 e. The risk pool board may accept or reject an application
 7 19 for assistance in whole or in part if the board determines
 7 20 the application does not meet the intent of this section or

Permits the Mental Health Risk Pool Board to accept or reject an application in whole and prorate distribution of funding as necessary to conform with the amount available.

7 21 a requirement of this section and, subject to the priority
 7 22 order specified in paragraph "d", may prorate distribution of
 7 23 funding as necessary to conform to the amount available for
 7 24 distribution. The decision of the risk pool board is final.
 7 25 The risk pool board shall issue a funding decision within 15
 7 26 working days of the final receipt date for applications.

7 27 f. The funding addressed by this section shall be
 7 28 distributed within 15 working days of the date the risk pool
 7 29 board's funding decision is issued.

7 30 5. If moneys from a distribution made under this section
 7 31 are not expended by a county by November 1, 2012, for services
 7 32 provided prior to July 1, 2012, the county shall reimburse the
 7 33 unexpended moneys to the department by November 30, 2012, and
 7 34 the moneys reimbursed shall be credited to the risk pool in the
 7 35 property tax relief fund.

8 1 6. The risk pool board shall submit a report to the governor
 8 2 and general assembly on or before December 31, 2012, regarding
 8 3 the expenditure of funds distributed under this section.

8 4 DIVISION III
 8 5 EFFECTIVE DATE

8 6 Sec. 5. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
 8 7 immediate importance, takes effect upon enactment.

Requires Mental Health Risk Pool funds to be distributed within 15 working day of the Board's funding decision.

Funds distributed per this section that are not expended by November 1, 2012, for services provided before July 1, 2012, must be reimbursed by the county to the Mental Health Risk Pool.

Requires the Risk Pool Board to submit a report to the Governor and the General Assembly on or before December 31, 2012, regarding funds distributed in the Section.

This Bill is effective on enactment.

Summary Data

General Fund

	Actual FY 2011 <u>(1)</u>	Estimated FY 2012 <u>(2)</u>	Supp-Senate Action FY 2012 <u>(3)</u>	Est Net FY 2012 <u>(4)</u>	FY 2012 vs FY 2011 <u>(5)</u>	Page and Line # <u>(6)</u>
Justice System	\$ 332,701,339	\$ 343,732,130	\$ 8,498,643	\$ 352,230,773	\$ 19,529,434	
Grand Total	<u>\$ 332,701,339</u>	<u>\$ 343,732,130</u>	<u>\$ 8,498,643</u>	<u>\$ 352,230,773</u>	<u>\$ 19,529,434</u>	

Justice System General Fund

	Actual FY 2011 <u>(1)</u>	Estimated FY 2012 <u>(2)</u>	Supp-Senate Action FY 2012 <u>(3)</u>	Est Net FY 2012 <u>(4)</u>	FY 2012 vs FY 2011 <u>(5)</u>	Page and Line # <u>(6)</u>
<u>Corrections, Dept. of</u>						
Fort Madison						
Ft. Madison Institution	\$ 38,453,601	\$ 41,031,283	\$ 1,260,748	\$ 42,292,031	\$ 3,838,430	PG 1 LN 13
Anamosa						
Anamosa Institution	\$ 29,563,854	\$ 31,985,974	\$ 182,174	\$ 32,168,148	\$ 2,604,294	PG 1 LN 18
Oakdale						
Oakdale Institution	\$ 55,000,040	\$ 55,594,426	\$ 995,473	\$ 56,589,899	\$ 1,589,859	PG 1 LN 23
Newton						
Newton Institution	\$ 25,700,753	\$ 25,958,757	\$ 642,944	\$ 26,601,701	\$ 900,948	PG 1 LN 28
Mt Pleasant						
Mt. Pleasant Inst.	\$ 25,551,510	\$ 25,917,815	\$ 404,087	\$ 26,321,902	\$ 770,392	PG 1 LN 33
Rockwell City						
Rockwell City Institution	\$ 9,078,666	\$ 9,316,466	\$ 173,995	\$ 9,490,461	\$ 411,795	PG 2 LN 3
Clarinda						
Clarinda Institution	\$ 23,016,294	\$ 24,639,518	\$ 374,774	\$ 25,014,292	\$ 1,997,998	PG 2 LN 8
Mitchellville						
Mitchellville Institution	\$ 15,283,848	\$ 15,615,374	\$ 433,931	\$ 16,049,305	\$ 765,457	PG 2 LN 18
Fort Dodge						
Ft. Dodge Institution	\$ 28,310,185	\$ 29,062,235	\$ 393,923	\$ 29,456,158	\$ 1,145,973	PG 2 LN 23
Central Office						
Corrections Administration	\$ 4,237,054	\$ 4,835,542	\$ 346,040	\$ 5,181,582	\$ 944,528	PG 3 LN 12
County Confinement	775,092	775,092	300,000	1,075,092	300,000	PG 2 LN 28
Federal Prisoners/Contractual	239,411	239,411	245,000	484,411	245,000	PG 2 LN 34
Total Central Office	<u>\$ 5,251,557</u>	<u>\$ 5,850,045</u>	<u>\$ 891,040</u>	<u>\$ 6,741,085</u>	<u>\$ 1,489,528</u>	
CBC District 1						
CBC District I	\$ 11,920,098	\$ 12,204,948	\$ 453,140	\$ 12,658,088	\$ 737,990	PG 3 LN 28
CBC District 2						
CBC District II	\$ 10,336,948	\$ 10,336,948	\$ 261,706	\$ 10,598,654	\$ 261,706	PG 3 LN 32
CBC District 3						
CBC District III	\$ 5,501,879	\$ 5,599,765	\$ 352,616	\$ 5,952,381	\$ 450,502	PG 4 LN 1

Justice System General Fund

	Actual FY 2011 <u>(1)</u>	Estimated FY 2012 <u>(2)</u>	Supp-Senate Action FY 2012 <u>(3)</u>	Est Net FY 2012 <u>(4)</u>	FY 2012 vs FY 2011 <u>(5)</u>	Page and Line # <u>(6)</u>
CBC District 4						
CBC District IV	\$ 5,391,355	\$ 5,391,355	\$ 50,996	\$ 5,442,351	\$ 50,996	PG 4 LN 5
CBC District 5						
CBC District V	\$ 18,407,129	\$ 18,742,129	\$ 310,675	\$ 19,052,804	\$ 645,675	PG 4 LN 9
CBC District 6						
CBC District VI	\$ 12,709,753	\$ 13,112,563	\$ 599,943	\$ 13,712,506	\$ 1,002,753	PG 4 LN 14
CBC District 7						
CBC District VII	\$ 6,492,814	\$ 6,492,814	\$ 223,774	\$ 6,716,588	\$ 223,774	PG 4 LN 18
CBC District 8						
CBC District VIII	<u>\$ 6,731,055</u>	<u>\$ 6,879,715</u>	<u>\$ 492,704</u>	<u>\$ 7,372,419</u>	<u>\$ 641,364</u>	PG 4 LN 22
Total Corrections, Dept. of	<u>\$ 332,701,339</u>	<u>\$ 343,732,130</u>	<u>\$ 8,498,643</u>	<u>\$ 352,230,773</u>	<u>\$ 19,529,434</u>	
Total Justice System	<u><u>\$ 332,701,339</u></u>	<u><u>\$ 343,732,130</u></u>	<u><u>\$ 8,498,643</u></u>	<u><u>\$ 352,230,773</u></u>	<u><u>\$ 19,529,434</u></u>	